

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: 99th STREET DEVELOPMENT

Case Number: PSR 2005-00091; SEP2005-00224

Location: 1202 NE 99th Street, Vancouver

Request: The applicant proposes construction of a 14,500 sq ft (10, 000 sq ft medical, and 4,500 general office) one story building with associated parking, stormwater, utility and other infrastructural improvements. The applicant also proposed a boundary line adjustment which was accomplished under a separate application (BLA2005-00110)

Applicant: HD 99 Properties, LLC
415 E 17th Street
Vancouver, WA 98663

Contact Person: RSV Construction Services
Attn: Betty Kaber
1115 Esther Street, Suite A
Vancouver, WA 98660
(360)693-8830
(360)693-8910 (fax)
betty@rsvconstsvcs.com

Property Owner: First Church of God
3300 NE 78th Street
Vancouver, WA 98665

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: **Date Issued:** _____

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Krys Ochia	4834	Krys.Ochia@clark.wa.gov
Engineer (Trans. and Stormwater):	Doug Boheman	4881	Doug.boheman@clark.wa.gov
Engineer (Trans. Concurrency):	Richard Gamble	4384	richard.gamble@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.Ochia@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Habitat Biologist:	Dave Howe	4598	David.Howe@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	Brent.Davis@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: MU

Parcel Numbers: 118256-130; 118256-135; 118256-140; 189658-000;
189496; and 189496-005

Applicable Laws:

Clark County Code Sections: Chapter 15.12 (Uniform Fire Code), 40.320 (Landscaping and Screening), 40.340 (Parking and Loading), 40.350 (Transportation and circulation), 40.360 (Solid Waste and recycling), 40.370 (Sewer and Water), 40.380 (Stormwater and erosion Control), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.040 (Site Plan review, 40.230.010 (Commercial Districts). 40.540 (Boundary Line Adjustments), 40.570 (SEPA), 40.610.620 (Impact Fees).

Neighborhood Contact

Not represented, but a courtesy notice was sent to:
NE Hazel Dell Neighborhood Association
Bud Van Cleve, President
1407 NE 68th Street
Vancouver, WA 98665

Time Limits:

The application was determined to be fully complete on February 8, 2006. Therefore, the County Code requirement for issuing a decision within 78 days lapsed on April 27, 2006. ***However, the project was put on HOLD to resolve project issues; therefore the County Code requirement for issuing a decision lapses on June 2, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on July 14, 2006.***

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on July 21, 2005. The pre-application was determined not contingently vested as of January 19, 2006.

The fully complete application was submitted on January 25, 2006 and determined to be fully complete on February 8, 2006. Given these facts the application is vested on January 25, 2006.

There are no issues regarding vesting.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, a courtesy notice to NE Hazel Dell Neighborhood Association and property owners within 300 feet of the site on January 27, 2006. (Note: This site is not located within the boundaries of a recognized neighborhood association). Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on January 27, 2006.

Public Comments:

The county received comments from Mark Sonney (March 13, 2006) of Yard 'n Garden Land, 1501 NE 102nd avenue, the state department of Ecology and the Southwest Clean Air Agency.

Mr Sonney supports the project but is concerned with any proposals to limit access to NE 13th Avenue. Mr Sonney states that his egress and ingress are affected for drivers using NE 102nd as it is and limiting access to NE 13th Avenue will exacerbate the existing traffic problems.

Response:

Issues related to NE 13th Avenue and the level of service (LOS) in the area is discussed under Transportation and Concurrency sections in this report.

The State Department of Ecology (March 3, 2006) states that the development is within half-a-mile radius of six known contaminated sites (Exhibit 11). One of the sites is Flowserve Corp site located at 10400 NE 13th street which is within the proposed project area. Contaminants may be present at the site of the proposed action, according to the DOE. If contamination is discovered, it must be reported to the Department of Ecology, Southwest Regional Office.

Response:

The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal laws.

Southwest Clean Air Agency (March 6, 2006) provided a brief summary of the requirements for the general types of activity that may be effected for this project (Exhibit 9). This includes demolition or renovations that may involve asbestos, the relevant inspections and demolition processes. However, the applicant states that there are no existing structures and no demolition work will be associated with this development. If demolition work is contemplated, a note shall be placed on the construction plan requiring the applicant to contact the agency.

Response:

The comment was forwarded to the applicant who is responsible for complying with SWCAA requirements as stipulated by its procedures.

Project Overview

This project is located at 1202 NE 99th Street. The applicant proposes to build a 14,500 sq ft medical/general office building on a site approximately 3.19 acres (3.05 acres according to survey by Olson Engineering, Inc.). The project includes the construction of parking, utility and other related infrastructural improvements.

The part of the site proposed for these improvements is currently undeveloped. There is a large stockpile of soil in the middle of the site and dirt to the north boundary with the existing building.

The site consists mainly of grass and a few deciduous and conifer stands. There is also a line of trees to the north entrance of the site. The applicant proposed a boundary line adjustment which only includes the existing office building and parking. The boundary line adjustment was accomplished in March 2006 (BLA2005-00110) and should be recorded prior to final site plan approval. (See Land Use Finding 1)

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	MU	CL	This site is flat with grass and a few tree stands
North	MU	CL	Undeveloped industrial property
East	MU	CL	Residences
South	MU	C-3	99 th Street
West	MU	CL	I-5 Freeway

The property is located within the City of Vancouver's urban growth area. It is situated in an area served by Fire Protection District 6 and Hazel Dell Vancouver Sewer District. Clark Public Utilities provide water services in the area. The site is located in Hazel Dell Transportation Impact Fees Area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this

proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE

Finding 1 Zoning

According to CCC40.230.010 (Commercial Districts), these areas are intended to recognize areas of existing businesses that have occurred in strips along major arterials, such as NE 99th Street. These commercial areas provide a full range of goods and services necessary to serve large areas of the county. The applicant proposes to provide a 14,500 square medical/ general office building which is a permitted use in the zone (Table 40.230.010-1, Uses). The applicant has completed a boundary line adjustment (BLA2005-00110) in order to accommodate the type of use anticipated at the site. The boundary line adjustment will be recorded prior to final site plan approval. **(See Condition A-1a).**

Finding 2 Landscaping

The setback standards in the Limited Commercial zone is met pursuant to buffering and screening standards contained in CCC 40.320, Table 40.320.010-1, Landscaping and Screening, which requires that not less than fifteen percent (15%) of the total area be landscaped. According to this table the applicant is required to provide L1 landscaping in a 0-5 ft buffer¹. The L1 standard consists primarily of groundcover plants; trees and high and low shrubs are also required. The L1 standard is for open areas. According to the applicant fifty-three percent (53%) of the site will be landscaped. Landscaping shall be installed in accordance with the approved final landscape plan prior to occupancy. **(See Condition F-1a).**

Finding 3 Parking

According to Table 40.340.010-4, (F-5), Minimum Required Parking Spaces, applicant is required to provide (one) 1 parking space for every 200 square feet of floor area, including areas proposed for office use. Applicant is required to provide 73 parking spaces. The site plan shows that applicant is providing 102 parking spaces. Applicant is proposing a joint access and parking agreement because of the multiple lots involved at the site **(See Condition F-1b).**

Applicant is required to provide handicapped accessible parking based on the number of parking spaces provided. Applicant is required to provide a minimum of four (4) accessible parking spaces. Applicant shall relocate the two accessible parking spaces to the north of the site closer to and in front of the medical building and offices **(See Condition A-1b).**

Finding 4 Other Land Use Issues

According to the state Department of Ecology, the development is within half-a-mile radius of six known contaminated sites. One of the sites is Flowserve Corp site located at 10400 NE 13th street which is within the proposed project area. Contaminants may be present at the site of the proposed action. If contamination is discovered, it must be

¹ If a building is to be built on the property line there is no required buffer for that portion of the site.

reported to the Department of Ecology, Southwest Regional Office. **(See Condition A-1c)**

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

TRANSPORTATION:

Pedestrian/Bicycle Circulation

Finding 1 –

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act is required in accordance with the provisions of Section CCC 40.350.010. The required improvements along NE 13th Avenue, abutting the site on the east, along with the required improvements along NE 99th Street, abutting the site on the south, will provide for pedestrian and bicycle circulation respectively along this secondary industrial road and urban minor arterial. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation complies with Section CCC 40.350.010.

Circulation Plan

Finding 2 –

In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. NE 13th Avenue, abutting the property on the east, is the primary access and north-south road into the neighborhood to the north. The Interstate-5 freeway, abutting the site on the west, prevents any cross circulation in the east-west direction. Staff finds that the existing roadways and proposed improvements will serve the development and will allow for future developments to meet cross-circulation standards in compliance with Section CCC 40.350.030(B)(2).

Roads

Finding 3 –

NE 99th Street, abutting the site on the south, is classified as a 4-lane minor arterial with bike lanes (M-4b). The proposed plan meets the minimum right-of-way (ROW) dedications and improvements for this road in accordance with CCC Table 40.350.030-2 and the Standard Details Manual, Drawing #8. The proposed plan also provides required instructions to extend the centerline median in front of NE 13th Avenue and to provide signage identifying NE 13th Avenue as a right turn in and right turn out only road.

NE 13th Avenue, abutting the site on the east, is classified as a secondary industrial road. The proposed plan meets the minimum ROW dedications and improvements for this road in accordance with CCC Table 40.350.030-6 and the Standard Details Manual, Drawing #22.

Conclusion (Transportation):

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions, meets the requirements of the county transportation ordinance.

TRANSPORTATION CONCURRENCY:Finding 1: Trip Generation

County concurrency staff has reviewed the proposed 99th Street Development consisting of a building anticipated to have 10,000 square feet for medical / dental office and 4,500 square feet for general office uses. The applicant's traffic study has estimated the AM peak-hour trip generation at 32 new trips and the PM peak-hour trip generation at 44 new trips using nationally accepted data published by the Institute of Transportation Engineers. The site is located north of NE 99th Street and east of the I-5.

Finding 2: Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be at capacity and serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding supply and the result being growing queues of traffic.

LOS standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. Most of the site access intersections analyzed in the applicant's traffic study will have an estimated LOS C or better during the peak traffic hours at the future build-out of the proposed development. This LOS result assumes the construction of a raised median on NE 99th Street to restrict turn movements at NE 13th Avenue to right-in and right-out only. However, if the raised median were not constructed as proposed in the traffic study, the LOS at this intersection would be LOS F. In effect, the restriction of the turning movements allows the LOS on NE 13th Avenue to improve to an LOS C.

The need for this median has a long history. In March 1, 1993, the WSDOT send a letter to Mr. Dave Sturdevant, Chairman of the Clark County Board of Commissioners, requiring that "Upon development of an alternate route for *the properties located northwest of NE 99th Street and Highway 99*, 13th Avenue will become right-in and right-out only." (italics added for clarification) This "alternate route" has been constructed and is known as NE 102nd Street. and was constructed as part of the Yard and Garden relocation and development.

Later, during the construction of the I-5 and NE 99th Street interchange by WSDOT, and the relocation of Yard and Garden from near NE 99th Street and Highway 99 to its current location, this issue was again raised in the staff report for Yard and Garden. In a

memorandum dated July 24, 1997, the median on NE 99th Street was raised with Mr. Mark Sonney of Yard and Garden. In that memo, it stated that “the existing access to *NE 99th Street from NE 13th Avenue* should close when the site development gets to a point that access will be available to Highway 99 and NE 13th Avenue. (italics added for clarification) The memo further states that Mr. Mark Sonney “appeared agreeable to that”. The access between Highway 99 and NE 13th Avenue, is known as NE 102nd Street and was constructed as part of the Yard and Garden relocation and development.

Now that further development is occurring and it is evident that traffic has grown substantially in the general vicinity, vehicles queue back from NE Highway 99 and block the NE 13th Avenue intersection routinely. Although the need for restricting access from NE 13th Avenue to NE 99th Street has been identified since 1993, the county determined that until traffic conditions required the restriction, the county would not require the median to be built. The time has now come to address this issue.

At the intersection of NE 102nd Street and Highway 99, the traffic study reports an LOS F under future conditions, but it also reports an LOS F under future conditions without the proposed development. Therefore, although the LOS indicates high delay, this condition would occur regardless of whether the development is built or not. Despite the LOS being an F, the delay will be much greater when the proposed development is constructed and a raised median is installed on NE 99th Street at NE 13th Avenue.

Standard convention only reports the LOS as F, but actual delay times and resulting driver behavior are more difficult to predict. For this reason, county staff anticipates that the raised median on NE 99th Street will be installed, but staff needs to reserve the ability to analyze the surrounding traffic impacts at a future date to possibly delay or plan for additional improvements in the area due to the raised median. **(See Transportation Concurrency Condition F-2a)**

The intersection of NE Highway 99 and NE 102nd Street is expected to have high delay for eastbound left turning vehicles during the PM peak hour. During non-peak hours, this intersection is expected to have less congestion and, therefore, less delay. Since this intersection is not subject to concurrency, an LOS of F is acceptable. The only issue of potential concern is whether this intersection is safe with an LOS F.

The existing LOS is reported as LOS E with the historical accident rate calculated in the applicant's traffic study as 0.06 accidents per million entering vehicles, which is well within acceptable thresholds. Therefore, based upon a finding that the existing LOS E has not resulted in a safety deficiency, county staff finds that the incremental increase in trips from the proposed development and lane restriction on NE 99th Street would not result in the proposed development causing a significant safety hazard.

Due to the combination of increased traffic flow on NE 102nd Street and NE 102nd Street being relatively narrow with the presence of parked cars, “no parking” signs need to be installed on one side of NE 102nd Street. Since pedestrian facilities are generally non-

existent on the north side of NE 102nd Street, “no parking” signs should be installed on the north side of NE 102nd Street between Highway 99 and NE 13th Avenue. **(See Transportation Concurrency Condition F-2b)** In addition, a signing and striping plan will be needed in order to install the signs and construct the raised median on NE 99th Street. **(See Transportation Concurrency Condition A-3a)**

Finding 3: Concurrency Compliance

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(D). The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development. The County’s TraffixTM model includes the intersections of regional significance in the area and the County’s model was used to evaluate concurrency compliance. The modeling results indicate that the operating levels comply with travel speed and delay standards.

The County incurs costs to analyze the proposed development’s impacts; the applicant should reimburse the County for costs incurred in running the concurrency model. **(See Transportation Concurrency Condition A-3b).**

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 4: Traffic Signal Warrants

The applicant’s traffic study did not analyze traffic signal warrants. Therefore, staff analyzed the two accesses onto the arterial network for traffic signal warrants.

One site access will be at the intersection of NE 99th Street and NE 13th Avenue, which is proposed to be modified to restrict turning movements to right-in and right-out only. When this modification occurs, signal warrant analysis would not be applicable. In addition, due to the close spacing of NE 13th Avenue to the Interstate 5 interchange, as well as NE Highway 99, a traffic signal would not be allowed at this location. Therefore, signal warrants analyses were not performed at this location.

A second site access is located at the intersection of NE Highway 99 and NE 102nd Street. This intersection has been evaluated to operate at LOS F under future conditions. In addition, with the anticipated restriction of turning movements at the intersection of NE 13th Avenue and NE 99th Street, the vehicles that would have turned at that intersection will now have to turn at the intersection of NE Highway 99 and NE 102nd Avenue. Based upon figure 8 in the applicant's traffic study, which shows the future traffic volumes and lane restrictions, it would appear that traffic signal warrants are only marginally met. Further analysis is necessary to determine if a traffic signal will be needed in the future at this location.

Finding 5: Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. NE 99th Street is anticipated to be restricted to right-in and right-out movements only; therefore, turn lane warrants are not relevant at this intersection. In addition, there is already an existing turn lane on Highway 99 at NE 102nd Street. Therefore, further analysis was not required.

Finding 6: Historical Accident Situation

The applicant's traffic study analyzed the accident history at both site access. Neither access had an accident rate that exceeds thresholds that would warrant additional analysis. Therefore, further analysis and mitigation by the applicant were not required.

Finding 7: Sight Distance

Since Community Development comments on this issue, it will not be addressed further here.

Conclusion (Transportation Concurrency)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Finding 1

Stormwater and Erosion Control Ordinance (CCC 40.380) apply to development activities that results in 2,000 square feet or more of new impervious area within the urban area and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 2000 square feet of new impervious surface and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal:

Finding 2

The project proposes to achieve the required stormwater quality and quantity control within the proposed bio-filtration swale and detention pond located within the northern boundaries of the site. The proposed water quality facility will be designed to treat 70% of the 2-year, 24-hour storms, as required.

The report indicates that the stormwater quantity control will be achieved by an aboveground detention pond. Excess runoff is proposed to be released into the existing storm system in NE 13th Avenue. The project, as required, proposes to limit the runoff release rate at peak rates equal to one-half of the pre-developed 2-year, 24-hour storm peak runoff rate; and not exceeding the 10-year and 100-year pre-developed runoff rates. The stormwater facilities will be privately owned and maintained. **(see**

Condition A-10)

Site Conditions and Stormwater Issues

Finding 3

The property is in area with slopes of 0-5% over 57% of the parcel, 5-10% over 26% of the parcel, 10-15% over 14% of the parcel, and 15-25% over 4% of the parcel. The site is covered with grass, a few deciduous and conifer trees and a mobile home which will be removed as part of this project. The preliminary stormwater report indicates that the proposed total area of new impervious surface consisting of roofs, parking areas, sidewalks, driveways, and streets will be approximately 2.14 acres.

The National Resources conservation service mapping shows the site to be underlain by Hillsboro silt loam (HoB & HoA), classified by AASHTO as A-4 soils. These soils are designated as hydrologic group "B". CCC 40.380 does not list A-4 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed and quantity control is to be achieved by detention.

The project proposes to discharge the excess runoff into an existing conveyance system in NE 13th Avenue. In accordance with the provisions of Section CCC 40.380.040(B)(2), all development activities require to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development.

Interstate-5 abuts the development site on the east. The applicant shall not increase flows onto Interstate-5. The applicant shall provide a plan set to the WSDOT review authority for concurrent review of the proposed development. **(see Condition A-5a)**

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

GEOLOGICAL HAZARD:**Applicability****Finding 1**

All development activities in or adjacent to geologic hazard areas shall comply with the provisions of CCC 40.430, Geologic Hazard Areas regulations.

The proposed development is in or within 100 feet of a geologic hazard area, therefore, the provisions of CCC 40.430 apply to this development.

Geotechnical Concerns**Finding 2**

In addition to the proposed commercial structure and the parking areas, the applicant proposes to construct stormwater facilities by creating steep sloped berms designed for impounding stormwater. Faulty design and or construction can result in failure of the stormwater impoundment facility and flooding of the proposed building or nearby existing buildings.

The applicant must provide all necessary geotechnical reports stating that the detention pond berm was constructed and compacted such that the proposed detention pond can safely impound the require stormwater volume. **(see Condition F-2c)**

Conclusion (Geological Hazard):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:**Fire Protection Finding 1 – Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x 4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific

requirements may be made at the time of building construction as a result of the permit review and approval process **(See Condition E-2a)**.

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for two (2) hour duration is required for this application. The required fire flow is available at the site, estimated at 5,000 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. **(See Condition A-9a)**

Fire Protection Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of new and existing fire hydrants are adequate. Fire hydrants shall be provided with appropriate “storz” for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. **(See Condition A-9b)**

Fire Protection Finding 5 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Ensure that fire apparatus access roads maintain the unobstructed width of not less than 20 feet to within 150 feet of all exterior points of the building. Maintain access roads with an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. **(See Condition A-9c)**

Fire Protection Finding 6 - Fire Apparatus Turnarounds

Approved fire apparatus turnarounds are not required for this application.

Fire Protection Finding 7 - Fire Sprinkler

An automatic fire sprinkler is required at the time of construction for buildings in excess of 12,000 square feet and subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. **(See Condition E-2b)**

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1

Clark Public utilities provide water services while sewer services are provided by Hazel Dell Sewer services. Letters from the above districts confirm that services are available to the site. Prior to occupancy, the applicant will be required to document that service connections to the buildings have been approved by the purveyor. **(See Condition F-3a)**

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems, if applicable, have been abandoned, inspected and approved by the Health Department. **(See condition A-8).**

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 Impact Fees

The project is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620.

- Hazel Dell TIF sub-area with a TIF of \$71,542.06 (\$53,743.38 medical dental and \$17,798.68 general office)

Impact fees shall be paid prior to issuance of a building permit for the site. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. **(see Conditions E-1)**

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**

- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on February 27, 2006 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Kryss Ochia, Planner/Team Leader 360-397-2375, ext 4834

Responsible Official: Michael V. Butts

DECISION

Based upon the proposed plans (identified as Exhibits 1, Site Plan and Landscaping Plan), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
----------	---

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan** – The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.350 and the following conditions of approval:
- a.** The applicant shall record a boundary line adjustment prior to final site plan approval. **(See Land Use Finding 1)**
 - b.** Applicant shall relocate the two handicapped-accessible parking spaces to the north of the site closer to and in front of the medical building and offices **(See Land Use Finding 3)**.
 - c.** Contaminants may be present at the site of the proposed action. A note shall be placed on the construction plan that if contamination is discovered, it must be reported to the Department of Ecology, Southwest Regional Office **(See Land Use Finding 4)**
- A-2 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.
- A-3 Final Transportation Plan/Off Site (Concurrency)** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall prepare a signing and striping plan showing how “no parking” signs will be placed on the north side of NE 102nd Street between NE 13th Avenue and Highway 99. The signing and striping plan shall also show how the median will be constructed on NE 99th Street at NE 13th Avenue. The signing and striping plan shall require county approval prior to completion of final site plan review **(see Concurrency Finding 2)**
- b. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made prior to final site plan approval.**(see Concurrency Finding 3)**

A-4 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-5 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall provide a letter signed by an authorized staff of WSDOT review authority indicating that the requirements of WSDOT are satisfied. **(see Stormwater Finding 3)**
- b. The applicant shall provide all necessary geotechnical reports stating that the detention pond berm was constructed and compacted such that the proposed detention pond can safely impound **(see Stormwater Finding 3)**

A-6 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-7 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320.

A-8 Health Department Review - Submittal of a “Health Department Project Evaluation Letter” is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

A-9 Fire Marshal Requirements:

- a. Fire Flow: Fire flow in the amount of 1,000 gallons per minute supplied for two (2) hour duration is required for this application. The required fire flow is available at the site, estimated at 5,000 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. **(See Fire Marshal Finding 3)**
- b. Fire hydrants: Fire hydrants are required for this application. The indicated number and spacing of new and existing fire hydrants are adequate. Fire hydrants shall be provided with appropriate “storz” for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. **(See Fire Marshal Finding 4)**
- c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. The applicant shall provide and maintain a three-foot clear space completely around every fire hydrant. **(see Fire Marshal Finding 4)**
- d. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(see Fire Marshal Finding 5)**

A-10 Other Documents Required – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer’s Covenant: - A “Developer Covenant to Clark County” shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make

arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060 (**see Stormwater Finding 2**)

- A-11 Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
----------	---

Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,
- a. Prior to construction, fire flow in the amount of 1,000 gallons per minute supplied for 2 hour duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Marshal Finding 3)
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
----------	--

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 None

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
----------	---

Prior to final plat approval and recording, the following conditions shall be met:

D-1 None

E	Building Permits Review & Approval Authority: Customer Service
----------	---

Prior to issuance of a building permit, the following conditions shall be met:

E-1 Impact Fees - The applicant shall pay impact fees based on 14,500 square feet (10,000 sq ft medical and 4,500 sq ft general office) building, as follows:

- a. \$71,542.06 Traffic Impact Fees (Hazel Dell TIF Sub-area).

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

E-2 Fire Marshal Requirements

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process **(See Condition E-2)**.
- b. An automatic fire sprinkler is required at the time of construction for buildings in excess of 12,000 square feet and subject to this application. Such systems require separate reviews, permits and approvals issued by the fire Marshal's Office. **(See Fire Marshal Finding 7)**

F	Occupancy Permits Review & Approval Authority: Building
----------	--

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Land Use and Critical Areas:

- a. Prior to the issuance of an approval of occupancy for a site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with

the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. **(See Land Use Finding 2).**

- b. Applicant shall obtain or submit a joint access and parking agreement because of the multiple lots involved at the site **(See Land use Finding 3).**

F-2 Engineering Requirements:

Transportation:

- a. The applicant shall construct a raised median on NE 99th Street to restrict turning movements at the intersection of NE 13th Avenue unless directed otherwise by the Director of Public Works **(see Concurrency Finding 2)**
- b. The applicant shall obtain a reimbursable work order from Clark County Public Works for the installation, by Clark County Public Works, of “no parking” signs on the north side of NE 102nd Street between NE 13th Avenue and NE Highway 99, unless directed otherwise by the Director of Public Works **(See Concurrency Finding 2)**
- c. The applicant shall provide all necessary geotechnical reports stating that the detention pond berm was constructed and compacted such that the proposed detention pond can safely impound the required stormwater volume. **(see Geotechnical Hazard Finding 2)**

F-3 Water and Sewer Services:

- a. Prior to issuance of a certificate of occupancy, the applicant shall provide documentation from water and sewer purveyors that water and sewer connection to the building have been approved. **(See Water and Sewer Finding 1)**

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
----------	---

- G-1 Site Plans and other land use approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on _____, 2006. Therefore any appeal must be received in this office by 4:30 PM, _____, 2006.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,021**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Exhibit A – Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>